

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

IDRIS OTE HAMPTON

PLAINTIFF

vs.

Civil Action No. 3:09-cv-406 HTW-LRA

**SHERIFF MALCOLM McMILLIN,
ET AL.**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes on pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson and the written objection to the proposed findings and recommendation. Based upon the evidence therein contained, this court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby adopted as the order of this court.

Defendants' motion for summary judgment [docket # 29] is hereby granted in part and denied in part. Judgment is entered in favor of defendants McMillin, Scott, and Rushing, and they are dismissed from this lawsuit. Plaintiff's motion for an order denying defendants' request for summary judgment [docket # 32] is granted in part and denied in part. The Magistrate Judge will set an evidentiary hearing in this matter to resolve plaintiff's claims against defendant Deputy John Robinson.

SO ORDERED, THIS THE 14th DAY OF APRIL, 2011.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE**